

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of	)	
	)	
Kelly GRAVELLE	)	Art Unit 2876
	)	
Patent Application No. 10/698,943	)	Examiner: S. Paik
	)	
Confirmation No. 5033	)	Attorney Docket No.:
	)	114944-00434
Filed November 3, 2003	)	
	)	
For: SELF-SERVICE ELECTRONIC TOLL	)	
COLLECTION UNIT AND SYSTEM	)	

**RESPONSE TO OFFICE ACTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Office Action mailed February 24, 2005, has been carefully considered. In response thereto, the Applicant respectfully submits that the application as amended is in condition for allowance. Accordingly, reconsideration and withdrawal of the Office Action and issuance of a Notice of Allowance are respectfully solicited.

At the outset, the Applicant acknowledges with appreciation the courtesy extended by the Examiner during the telephone interview conducted May 16, 2005. During that telephone interview, the Applicant's representative explained the position (to be discussed in greater detail below) that the references contain teachings which would have rendered it non-obvious to combine them in the manner suggested in the Office Action. The Examiner acknowledged that he saw the Applicant's representative's point, but indicated that he could not state over the telephone whether the claims were

allowable. Instead, he said that he would have to consider the matter once a formal Response was filed and, if necessary, issue another non-final Office Action.

The outstanding Office Action advances several grounds of rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 6,712,267 (*Imazuka*) in view of U.S. Patent No. 5,819,234 (*Slavin, et al.*) or over those two references and further in view of U.S. Patent No. 6,595,416 (*Newsome, et al.*). The grounds for the rejections are set forth on pages 2-19 of the Office Action. For the reasons set forth below, the Applicant respectfully traverses.

The Applicant respectfully submits that it would not have been obvious to combine the *Imazuka* and *Slavin et al* references as proposed in the Office Action. *Imazuka* concerns train tickets, which have varying prices and require a central reservation system to prevent overbooking. By contrast, *Slavin et al* teaches an E-Zpass transponder with a fixed value (e.g., \$25), prepackaged and sold in a retail store or through the mail, which the buyer can then either use anonymously or associate with a payment source for renewal. Thus, the references serve contrary purposes and therefore would not have provided any motivation to combine them.

*Newsome et al* does not overcome the above-noted deficiencies of the other two applied references.

Certain ones of the dependent claims depart further from the applied prior art. For instance, the applied prior art neither teaches nor suggests either manual entry of a tag number or the reading of a bar code, nor does it suggest the self-service maintenance and checking of claims 45-51. Furthermore, the argument that it would have been

obvious to issue vehicle tax decals from the railway gate system of *Imazuka* is not supported by the references.

Therefore, the Applicant respectfully submits that the present claimed invention would not have been obvious over either of the combinations of references proposed in the Office Action.

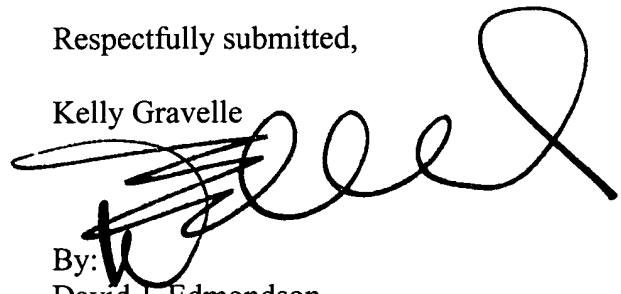
For the reasons set forth above, the Applicant respectfully submits that the application is in condition for allowance. Notice of such allowance is earnestly solicited.

In the event there are any questions relating to this Response or the application in general, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

Please charge any shortage of fees, or credit any overpayment thereof, to BLANK ROME LLP, Deposit Account No. 23-2185 (114944-00434). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this Response or is insufficient to render this Response timely, the Applicant hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

Kelly Gravelle

A large, stylized handwritten signature in black ink, likely belonging to David J. Edmondson, is written over the typed name and extends across the right side of the page.

By:  
David J. Edmondson  
Reg. No. 35,126

Customer No. 27557  
BLANK ROME LLP  
Watergate 600, 11<sup>th</sup> Floor  
600 New Hampshire Ave., N.W.  
Washington, D.C. 20037-2485  
Telephone 202-772-5836  
Facsimile 202-572-1436